

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 100.35, the Department of Public Safety hereby gives Notice of Intended Action to amend Chapter 5, “Fire Marshal,” Iowa Administrative Code.

Iowa Code chapter 100 assigns broad authority to the Fire Marshal to adopt rules establishing fire safety requirements which apply to a broad range of occupancies across the state. Numerous adoptions of individual rules over a 50-year period have resulted in a set of rules which is now quite complex. An effort is underway to evaluate all Fire Marshal rules with a view to enacting a new set of integrated standards; however, this effort will take some time to complete. Meanwhile, various inconsistencies and errors have been identified in the current rules and this rule making is intended to address those problems.

Following are the major items covered in these amendments:

S Several references remain in 661—Chapter 5 to the “effective date of these rules.” These references have been corrected to dates certain.

S The rule making that resulted in the adoption of provisions of the Life Safety Code as the general exit requirements in the Fire Marshal rules involved rescinding and reserving several rules. An inadvertent result of rescinding these rules is that there are a number of cross references in remaining rules to the rules that have been rescinded. The rule making undertaken here corrects this problem by restoring the requirements embodied in the rescinded rules. This is accomplished by modifying the language in rules which contain cross references to rules previously rescinded, to reflect and clarify requirements.

S An error in a recent adoption of rules for assembly occupancies has been corrected.

S A reference to the address of the Fire Marshal Division has been updated.

S Rules regarding obtaining records from the Fire Marshal Division have been updated.

S Several definitions have been added or updated for clarification.

S Existing references to various editions of standards of the National Fire Protection Association have been corrected to remove inconsistencies.

A public hearing on these proposed amendments will be held on March 24, 2006, at 9:30 a.m. in the conference room of the Fire Marshal Division, 401 SW 7th Street, Suite N, Des Moines, Iowa 50309. Persons may present their views orally or in writing at the public hearing. Persons who wish to make oral presentations at the public hearing should contact the Agency Rules Administrator, Iowa Department of Public Safety, Wallace State Office Building, Des Moines, Iowa 50319, by mail; by telephone at (515)281-5524; or by electronic mail to admrule@dps.state.ia.us, at least one day prior to the public hearing.

Any written comments or information regarding these proposed amendments may be directed to the Agency Rules Administrator by mail or electronic mail at the addresses indicated at least one day prior to the public hearing or submitted at the public hearing. Persons who wish to convey their views orally other than at the public hearing may contact the Agency Rules Administrator by telephone or in person at the Department office by 4:30 p.m. on March 24, 2006.

These amendments were also Adopted and Filed Emergency and became effective February 1, 2006. The emergency adoption of these amendments is published herein as **ARC 4903B**. Iowa Code section 100.35 requires that the Fire Marshal adopt rules only after a public hearing. A public hearing on the emergency adoption was held on January 6, 2006. It should be noted that this hearing was not the same as an “opportunity for oral presentation” described in Iowa Code chapter 17A, but was held pursuant to Iowa Code section 100.1, subsection 5.

These amendments are intended to implement Iowa Code sections 100.1 and 100.35.